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10/665,246	09/20/2003	Dea L. Whitfield		6962

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Dea L. Whitfield  
922 North Blvd Apt. 401  
Oak Park, IL 60301

EXAMINER
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CRABTREE, JOSHUA DAVID

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/665,246

Applicant(s)

WHITFIELD, DEA L.

Examiner

Joshua D. Crabtree

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/20/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 4,955,844).**

With regard to claim 1, Miller teaches a doll for use in toilet training (Col. 2: 22-25), which includes a toilet seat (Item 22 in Figs. 1-2). With regard to a control system, Miller discloses that the doll may be moved from a sitting to a standing position by pivotally raising one of the arms (Col. 5: 30-39).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2-4, 6-9, 11, 15, 16, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Jr. (US 4,955,844) in view of Hornsby et al. (US 2001/0029147).

With regard to claims 2, 8, and 16, Miller discloses that the feature of an actuating means causing a doll to assume a sitting and standing position is known (Col. 1: 23-36). Miller does not disclose the feature of an actuating means performing the steps wherein the doll's pants are pulled down, and the doll sits on the toilet. However, Miller does disclose manually performing these steps. It would have been obvious to one of ordinary skill in the art at the time of invention to automate the process of the aforementioned steps, rather than performing them manually, as the steps would still be the same. The user would still cause the doll to perform the steps, but the steps themselves would be performed through the use of software or machine elements, rather than the user's hand. (Col. 4: 3-9; See also MPEP 2144.04[R-1], section III). With regard to claim 9, Miller teaches the feature wherein the seat is configured to the size of the doll (Figs. 1-2). With regard to claim 11, Miller teaches the doll is removably attached to the toilet seat (Col. 3: 56-60).

Miller does not explicitly disclose the feature wherein the doll has a control system comprising a powering means, which is capable of receiving a control signal from a user interface means. Miller does not disclose the feature wherein the control system is capable of passing the control signal to a sound system having a memory storage device and a speaker. Hornsby teaches a remote control toy, with a powering

means (electric motor), controlled by a remote control device (Paragraph [0010]; Fig. 1). The toy may be in the form of a human (Paragraph [0067]). Additionally, Hornsby teaches a "sit" command button on the remote control device (Fig. 1). Hornsby also teaches that additional movements may be implemented via modifications to the software in the controller (Paragraph [0065]). With regard to the control system passing the control signal to a sound system having a memory storage device and a speaker, Hornsby teaches that a speaker, operably coupled to a microprocessor, may be implemented in the body of the toy (Item 78 in Fig. 2; Paragraph [0012]). Signals may be transmitted from the controller to the speaker (Paragraph [0043]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the aforementioned teachings of Hornsby into the invention of Miller in order to provide an educational doll capable of being controlled by a remote control device. Such features could be used to give the child control over movement of the doll, rather than just allowing the child to watch a parent perform the movements of the doll. The addition of sound would provide added realism to the doll, as well, which might help captivate the attention of the child.

With regard to claim 8, miller teaches the incorporation of a toilet seat (Figs. 1-2).

With regard to claims 3 and 4, Miller teaches manually performing the feature of pant lowering, bending, and seating, as described above (Col. 4: 3-9). It would have been obvious to one of ordinary skill in the art at the time of invention to automate the process of the aforementioned steps, rather than performing them manually, as the

steps would still be the same. The user would still cause the doll to perform the steps, but the steps themselves would be performed through the use of software or machine elements, rather than the user's hand. (Col. 4: 3-9; See also MPEP 2144.04[R-1], section III). However, Miller does not teach that this feature is performed in response to activation of a switch on a user interface (as in claim 3). Miller does not teach the feature wherein the user interface is remotely activated via a radio wave signal (as recited in claim 4). Hornsby teaches an interactive toy, which may resemble a human (Paragraph [0067]), which is controlled by a user interface comprising action buttons (Paragraph [0041], Fig. 1). Hornsby teaches that it is known to implement radio control signals in such an invention (Paragraph [0003]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Hornsby into the invention of Miller in order to provide an interactive toy doll with which the user can interface via control buttons on a remote control, to make the doll perform the pant lowering, bending, and seating action.

With regard to claim 6, and the limitation of powering the doll with kinetic energy, Miller discloses that it is known to implement the feature of winding a doll's arm, in order to cause an actuating mechanism to move the doll into a sitting position (Col. 1: 23-29).

With regard to claim 7, Miller discloses manually performing the steps of pant lowering, bending, and seating of the doll, as previously described (Col. 4: 3-9). It would have been obvious to one of ordinary skill in the art at the time of invention to

automate the process of the aforementioned steps, rather than performing them manually, as the steps would still be the same. The user would still cause the doll to perform the steps, but the steps themselves would be performed through the use of software or machine elements, rather than the user's hand. (Col. 4: 3-9; See also MPEP 2144.04[R-1], section III).

With regard to claim 9, Miller teaches the feature wherein the seat is configured to the size of the doll (Figs. 1-2).

With regard to claim 11, Miller teaches the doll is removably attached to the toilet seat (Col. 3: 56-60).

With regard to claim 15, and the feature wherein the pant lowering, bending, and seating is followed by a pant raising act. Miller teaches a toilet training doll, capable of moving between a standing position (Fig. 1, *wearing diaper*), and a sitting position (Fig. 2, *diaper pulled down*) (Col. 3: 43-45).

With regard to claim 19, and the feature wherein the actuating means is an electrical motor that is manipulated once a control signal is received from the control system activating the pant lowering, bending and seating method, Miller discloses that it is known to implement a motor to actuate the movement of a doll from a standing to a sitting position (Col. 1: 30-36). Miller discloses manually performing the features of pant lowering, bending, and seating (Col. 4: 3-9). It would have been obvious to one of ordinary skill in the art at the time of invention to automate the process of the aforementioned steps, rather than performing them manually, as the steps would still

be the same. The user would still cause the doll to perform the steps, but the steps themselves would be performed through the use of software or machine elements, rather than the user's hand. (Col. 4: 3-9; See also MPEP 2144.04[R-1], section III).

With regard to claim 20, Miller does not disclose the feature wherein a sound system plays a digital sound stored in the memory storage device through at least one speaker once a control signal is received from the control system. Hornsby teaches that a speaker, operably coupled to a microprocessor, may be implemented in the body of the toy (Item 78 in Fig. 2; Paragraph [0012]). Signals may be transmitted from the controller to the speaker (Paragraph [0043]).

3. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Jr. (US 4,955,844) in view of Hornsby et al. (US 2001/0029147), as applied above, and further in view of Gabai et al. (US 6,022,273).**

With regard to claim 5, Miller, as modified by Hornsby, do not disclose the limitation wherein the user interface is remotely activated via a human voice. Gabai teaches an interactive doll, which may respond to speech input (Col. 3: 12-25). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Gabai into the invention of Miller, as modified by Hornsby, in order to provide a controllable doll responsive to voice commands. Such a feature could be useful in a toilet instruction scenario, in that the child can hear the parent give commands, and watch the doll perform the desired movements. The child would then know to do the same in response to vocal commands from the parent.



4. **Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Hornsby, as applied above, and further in view of Clarke (US 6,038,711).**

With regard to claim 10, Miller, as modified by Hornsby, does not disclose using a toilet configured to the size of a toddler. Clarke teaches a toilet training device which comprises a toilet sized for use by a toddler (Col. 1: 44-52). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Clarke into the invention of Miller, as modified by Hornsby, in order to provide a toilet training system including a toddler-sized toilet. Since a toilet training system would most likely be used with young children, it would be obvious to include a toilet suitably sized for small children.

With regard to claim 12, Miller does not disclose a sound system. Miller teaches this feature, as described previously (Item 78 in Fig. 2; Paragraph [0012]). Signals may be transmitted from the controller to the speaker (Paragraph [0043]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the aforementioned teachings of Hornsby into the invention of Miller in order to provide an educational doll with sound capability. The addition of sound would provide added realism to the doll, as well, which might help captivate the attention of the child.

Miller, as modified by Hornsby, does not specifically disclose using the sound effect of a toilet flushing. Clarke teaches a toilet training device which emits the sound effect of a toilet flushing in response to activation by a control switch (Col. 1: 53-57). It

would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Clarke into the invention of Miller, as modified by Hornsby, in order to provide a toilet training system utilizing toilet flushing sound effects. This feature would help get a toddler accustomed to the sound of a real toilet flushing.

5. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelekis in view of Miller and Hornsby, as applied above, and further in view of Chai (US 5,978,976).**

Miller, as modified by Hornsby, does not disclose the feature wherein the sound system plays a toilet flushing sound once the configured doll has completed the sitting act. Chai teaches a toilet training system in which a sound is played as the child rises from the toilet. Chai teaches that this feature provides the advantage of motivating the child to use the toilet by himself or herself, and to quickly rise from the toilet, making toilet training easier (Col. 2: 33-41). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Chai into the invention of Miller, as modified by Hornsby, in order to provide the aforementioned advantage.

6. **Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Hornsby, as applied above, and further in view of Hunter et al. (US 4,413,441).**

With regard to claims 14 and 18, Miller, as modified by Hornsby, does not disclose the feature wherein a discharging act follows the pant lowering, bending, and seating of the doll. Hunter et al. teach a doll which performs a discharging act after

being placed on a toilet seat (Col. 2: 63-67). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Hunter et al. into the invention of Miller, as modified by Hornsby, in order to toilet instruction system in which the doll performs a discharging act. A discharging act is a primary component in toilet use, and would therefore be an important, and obvious, feature to implement in a toilet instruction system.

With regard to claim 18, Miller teaches a toilet training doll, capable of moving between a standing position (Fig. 1, *wearing diaper*), and a sitting position (Fig. 2, *diaper pulled down*) (Col. 3: 43-45).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lund et al. (US 6,506,095) teach an animated toy doll.

Pelekis (US 6,380,844) teaches an interactive remote control toy.

Minasian (US 5,890,907) teaches a doll used for toilet training.

Kikinis (US 5,746,602) teaches a PC peripheral interactive doll.

Bell (US 5,509,808) teaches a toilet training kit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Joshua D. Crabtree  
October 4, 2006

*Kathleen Mosser*  
KATHLEEN MOSSE  
PRIMARY EXAMINER